IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1007 OF 2006

Lalji Ramraksha Mishra.....Petitioner

Vs.

Municipal Corporation of Greater
Mumbai & Ors.....Respondents

None for the petitioner
Ms.Trupti Puranik, for respondent No.1.
Mr. G.D. Utangale, for respondent No.2.
Mr. A. Waverkar i/b. Waverkar &Waverkar, for
Applicant in Chamber Summons No.92 of 2006.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE : 25th April,2006

P.C.:

. Rule. Heard forthwith. It is the case of the petitioner that he is entitled to a premises in the S.R.A. Scheme. The society and the Builder have applied for intervention. In the affidavit in support it is set out that pending any decision to be taken by the Competent Authority, they are willing to give transit accommodation to the petitioner subject to the decision of the Competent Authority.

2. On behalf of the SRA learned Counsel states that another person had claimed right in the said structure. That claim has been rejected. That will be no answer in so far as the petitioner's right is concerned. Considering that, the petition can be disposed of by issuing the following directions:-

(i) The petitioner to apply to the respondent No.1 Competent Authority within four weeks from

today.

(ii) On such application the Respondent NO.1 to decide the claim of the petitioner within 12 weeks thereafter. If the petitioner's claim is accepted then the name of the petitioner to be included in Annexure 2 and the petitioner be given premises in terms of the SRA Scheme.

(iii) We find that the SRA scheme has been stayed pursuant to the order of this Court dated December 21, 2005. In our opinion the scheme cannot be stayed just because one person has a claim. In the light of that the interim order stands vacated. The Builder and the Society in order to enable the SRA to go ahead will give to the petitioner transit accommodation subject to the final decision taken by the respondent NO.1. In the event the petitioner does not avail transit accommodation made available to him within 8 weeks from today the petitioner will have to vacate the premises, of course subject to whatever rights that the respondent No.1 may decide in his favour. On the transit accommodation being provided the petitioner will hand over the present structure to the Builder and Society. In the event the petitioner does not hand over the structure it will be open to the respondent No.1 to evict the petitioner from the present structure subject to whatever rights the respondent No.1 may decide in favour of the petitioner.

(iv) Rule made absolute accordingly. No order as to costs.

(F.I.REBELLO, J.)

(ANOOP V. MOHTA, J)